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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. **2010-340**

15 **CAROLE ONA SHUMWAY**
16 **4468 Linden Avenue, #202**
Seattle, WA 98103

ACCUSATION

17 **Registered Nurse License No. 152126**

18 **Respondent.**

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
24 of Consumer Affairs.

25 **License History**

26 2. On or about June 3, 1964, the Board of Registered Nursing issued Registered Nurse
27 License Number 152126 to Carole Ona Shumway ("Respondent"). The license expired on
28 September 30, 2001.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 Morphine from her hospital employer.

2 g. On September 4, 1999, both before and during her shift, Respondent self-
3 administered the Morphine she diverted.

4 A copy of the Washington Board's Stipulated Findings of Fact, Conclusions of Law, and
5 Agreed Order is attached as Exhibit A and is incorporated herein.

6 **PRAYER**


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 152126 issued to
10 Carole Ona Shumway;

11 2. Ordering Carole Ona Shumway to pay the Board the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Code section 125.3; and,

13 3. Taking such other and further action as deemed necessary and proper.

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15 DATED: 01/20/10

for 
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

1.7 Respondent and the Nursing Care Quality Assurance Commission agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (Agreed Order).

1.8 Respondent waives the opportunity for a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Nursing Care Quality Assurance Commission.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Nursing Care Quality Assurance Commission.

1.10 Should this Agreed Order be signed and accepted, it will be subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any applicable interstate/national reporting requirements.

1.11 Should this Agreed Order be rejected, Respondent waives any objection to the participation at hearing of all or some of the Commission members or the Health Law Judge who heard the Agreed Order presentation.

Section 2: STIPULATED FACTS

The State and Respondent stipulate to the following facts or acknowledge that the evidence is sufficient to justify the following findings:

2.1 Respondent, Carole Shumway, was issued a license to practice registered nursing by the State of Washington in December 1962.

2.2 Respondent has an extensive history of diversion and substance abuse.

2.3 Respondent's Washington nursing license was revoked on October 1, 1982, upon a finding that she diverted Demerol and self-administered Demerol, IV Morphine, and cocaine. The Washington Board further considered that Respondent's license to practice nursing in the State of California was revoked in 1979, with the revocation stayed upon compliance with specified terms and conditions. The California revocation followed a conviction for forging a prescription for Darvon.

2.4 Respondent's Washington license was reinstated in 1988.

2.5 Respondent has relapsed into opiate abuse several times throughout the 1990's. She admits to relapses in 1990, 1992, 1994, 1996 and 1999.

2.6 On or about August 7, 1999, August 15, 1999 and August 17, 1999, while employed as an agency nurse, Respondent diverted Percocet and Vicodin from Eastside Medical and Rehabilitation Center, in Bellevue, Washington.

2.7 On September 4, 1999, while working as an agency nurse at Meydenbauer Medical and Rehabilitation Center in Bellevue, Washington, Respondent diverted Morphine, both in liquid (Roxanol) and tablet (MS Contin) form.

2.8 Respondent falsified and made inaccurate representations in medical records to conceal the diversions in paragraph 1.7.

2.9 On September 4, 1999, both before and during her shift, Respondent self-administered the morphine that she diverted from Meydenbauer Medical and Rehabilitation Center. Respondent was found semiconscious in her car in the facility parking lot, and was taken by paramedics to the emergency room [REDACTED]

Section 3: CONCLUSIONS OF LAW

The State and Respondent agree to the entry of the following Conclusions of Law:

3.1 The Nursing Care Quality Assurance Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The above facts constitute unprofessional conduct in violation of RCW 18.130.180(1), (4), (6), (7), [REDACTED] WAC 246-840-710(1)(c), (4)(a)(d).

3.3 The above violations are grounds for the imposition of sanctions under RCW 18.130.160.

Section 4: AGREED ORDER

Based on the preceding Stipulated Facts and Conclusions of Law, the Commission hereby ORDERS:

4.1 The license to practice as a registered nurse in the state of Washington held by Carole Shumway shall be and is hereby INDEFINITELY SUSPENDED.

4.2 Respondent shall present both portions of her license to the Department of Health within two (2) days of receipt of this Order.

4.3 Respondent shall not make public appearances representing herself as a licensed registered nurse.

4.4 Respondent shall not use her registered nurse license to obtain employment as a Nursing Assistant, home health aide, or other health care provider.

4.5 Respondent shall appear in person for interviews with the Commission or its designee upon reasonable notice.

4.6 Respondent shall not violate any law or regulation regarding the practice of registered nursing.

4.7 Respondent shall assume all costs of complying with this Order.

4.8 Any failure to comply with the terms and conditions of this Order shall subject Respondent's license to practice to further disciplinary action.

4.9 Respondent shall inform the Nursing Care Quality Assurance Commission, in writing, of changes in her residential address.

4.10 Respondent shall immediately execute all release of information forms as may be required by the Commission or its designee.

4.11 Respondent may submit a written request for modification of the Commission's Order no sooner than sixty (60) months from the date of this Order.

a. Respondent must personally appear before the Commission.

- b. Respondent must demonstrate, to the Commission's satisfaction, proof of sobriety for the two (2) years prior to the petition for modification. Respondent's demonstration of sobriety must include proof of involvement with alcoholics or narcotics anonymous and negative biological fluid testing over the two year period.
- c. Respondent shall pay to the Commission a monetary penalty in the amount of fifteen hundred dollars (\$1,500). The license shall not be reinstated/modified until the fine is completely paid.
- d. At the discretion of a Reviewing Commission Member, the terms and conditions of this Order may be modified without a modification hearing.

4.12 Within ten (10) days of the effective date of this Order, Respondent shall thoroughly complete the attached Healthcare Integrity and Protection Data Bank Reporting Form (Section 1128 of the Social Security Act) and return it to the disciplining authority.

I, Carole Shumway, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Nursing Care Quality Assurance Commission without my appearance. If the Nursing Care Quality Assurance Commission accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.

Carole O. Shumway
Carole Shumway
Respondent

Date

5/26/00

Laura E. Twitchell for KRB (#28697)
Kathryn R. Barron, WSBA #21847
Attorney for Respondent

Date

6/1/00

Section 5: Order

The Nursing Care Quality Assurance Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED this 15 day of June, 2000.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY
ASSURANCE COMMISSION

Frank T. Majorski, CRNA, MS
Panel Chair

Jim McLaughlin
Jim McLaughlin, WSB# #27349
Assistant Attorney General Prosecutor

6/5/2000
Date

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

87-12-0174RN;99-09-0007RN